



# COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Jimenez, Director of Health

Administration  
Behavioral Health

Clinic Services  
Emergency Medical Services  
Environmental Health/Animal Services

Public Health  
Public Administrator/Public Guardian

*Recipient of The California Endowment's 2017 Arnold X. Perkins Award for Outstanding Health Equity Practice*

September 14, 2017

Encinal Rd. WS #1  
Attn: Betty Infante  
26710 Encinal Road  
Salinas, CA 93908

**RE: Compliance Order No. 17-023**  
Encinal Rd. WS #1, ID No 270-1241

Dear Ms. Infante,

The Monterey County Health Department, Environmental Health Bureau (EHB), acting through its Local Primacy Delegation Agreement with the State Water Resource Control Board (SWRCB) has the authority to issue orders under the California Health and Safety Code (H&SC), Section 116655, and also under Section 15.04.195(B)(2) of the Monterey County Code to direct compliance with the Health and Safety Code, Division 104, Part 12, Chapter 4 (a.k.a., the Safe Drinking Water Act), Monterey County Code and with any permit, standard, or regulation issued or adopted pursuant to said Chapter. This Compliance Order directs the referenced water system to comply with State and Local regulations and domestic water permit conditions by supplying specified documents and information.

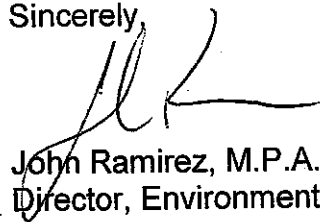
Any person who is aggrieved by a compliance order issued by the EHB under the Delegation Agreement may file a petition with the SWRCB for reconsideration of the compliance order. Petitions must be received by the SWRCB within 30 calendar days of the issuance of the compliance order. The date of issuance is the date when the EHB mails or serves a copy of the compliance order whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:  
[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

Any person who is aggrieved by a compliance order issued by the EHB under Section 15.04.195(B)(2), MCC may file an appeal under Section 15.04.180(s) with the Monterey County Board of Supervisors within 10 days of the date of the order.

The H&SC requires that a water system shall reimburse EHB for costs incurred in enforcement activities related to said system. Enforcement activities include preparing, issuing, and monitoring compliance with an order or citation; preparing and issuing public notification; and conducting a permit suspension or revocation hearing. Our costs, based on

our current hourly rate, will be charged to the above water system for any further enforcement. If you have any questions regarding this compliance order, please contact this office at 755-8924.

Sincerely,



John Ramirez, M.P.A., R.E.H.S.  
Director, Environmental Health Bureau

Enclosure: Compliance Order No.17-023

Cc: Cheryl Sandoval, EHB  
Jan Sweigert, SWRCB

**MONTEREY COUNTY HEALTH DEPARTMENT**

Encinal Road WS #1, ID No 270-1241  
Attn: Betty Infante  
26710 Encinal Road  
Salinas, CA 93908

**COMPLIANCE ORDER NO.17-023**

**FOR  
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a)(1)  
AND THE PRIMARY DRINKING WATER STANDARD FOR NITRATE  
Dated September 14, 2017**

The Monterey County Health Department (hereinafter "Department"), acting through its Local Primacy Delegation Agreement with the State Water Resource Control Board hereby issues this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") and Section 64258 of the California Code of Regulations and Section 15.04.195(B)(2) of the Monterey County Code (hereinafter "MCC") to Encinal Road WS #1 for violation of CHSC section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431 and MCC Section 15.04.08(a).

A copy of the applicable statutes and regulations is included in Appendix 1, which is attached hereto and incorporated herein by this reference.

**STATEMENT OF FACTS**

Department is informed by the Water System and believes that the Encinal Road WS #1 (hereinafter "Water System") is a privately owned Community water system

located in Monterey County that supplies water for domestic purposes to approximately 66 individuals through approximately 9 parcels, that serves a mixture of homes, greenhouses and agricultural operations. The Water System operates under Domestic Water Supply Permit #0220084 issued on February 20, 2008. The Water System is a Community public water system as defined in CHSC, section 116275.

The Water System utilizes one groundwater well as its source of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, and MCC Section 15.04.110 establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. Community water systems must comply with the maximum contaminant (MCL) level for nitrate (as nitrogen) of 10 mg/L, as established in Title 22 CCR Section 64431 and MCC Section 15.04.085.

Samples collected from the Water System on August 14, 2007 showed nitrate (as nitrogen) concentration of 70 mg/L in Well #1 which exceeds the MCL of 10 mg/L as nitrogen. The water system was issued a permit on February 20, 2008 with a condition to bring the water system into compliance with the nitrate MCL. Results of samples taken from water produced from Well #1 since 2007 show the nitrate level in said Well #1 continues to exceed the MCL.

#### **DETERMINATIONS**

Based on the above Statement of Facts, the Department has determined that the Water System and its owner of record have violated CHSC, Section 116555 and

Section 64431 and MCC Section 15.04.085, in that the water produced by Well #1 exceeded the nitrate MCL, and further has determined that said violation has continued from February 20, 2008 through the date of this Order.

**DIRECTIVES**

Water System and its owner of record are hereby directed to take the following actions:

1. On or before June 30, 2020, comply with Title 22, CCR, Section 64431 and MCC Section 15.04.085 and remain in compliance.
2. On or before September 30, 2017, submit a written response to the Department indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.
3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment 1, hereto, of Water System's failure to reliably meet the nitrate MCL.
4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment 2, hereto.

76 5. Commencing on the date of service of this Order collect quarterly samples  
77 for nitrate from each well, as required by Section 64432.1(a)(2), and MCC  
78 Section 15.04.105(c), and ensure that the analytical results are reported to  
79 the State Water Resource Control Board electronically by the analyzing  
80 laboratory no later than the 10<sup>th</sup> day following the month in which the  
81 analysis was completed.

82  
83 6. Prepare for Department approval a Corrective Action Plan identifying the  
84 project steps, (i.e. installation of a new well, consolidation, installation of  
85 POU/POE treatment or installation of centralized treatment at the source),  
86 needed to correct the water quality problem (violation of the nitrate MCL)  
87 and ensure that the Water System delivers water to consumers that reliably  
88 meets primary drinking water standards. The plan shall include a time  
89 schedule for completion of each of the phases of the project such as design,  
90 construction, and startup, and a date as of which the Water System will be  
91 in compliance with the nitrate MCL, which date shall be no later than June  
92 30, 2020.

93  
94 7. On or before October 30, 2017, present the Corrective Action Plan required  
95 under Directive No. 6, above, to the Department in person at the  
96 Department's offices located at 1270 Natividad Rd, Salinas, CA 93906.

97

8. Timely perform the Department approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.

9. On or before April 30, 2018 and every six months thereafter, submit a report to the Department, showing actions taken during the previous calendar six months to comply with the Corrective Action Plan.

10. Not later than ten (10) days following the date of compliance with the nitrate MCL, demonstrate to the Department that the water delivered by Encinal Road Water System #1 complies with the nitrate MCL.

11. Notify the Department in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System and/or its owner of record anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to: All submittals required by this Order shall be addressed to:

Cheryl Sandoval, Supervising EHS  
Monterey County Health Department  
Environmental Health Bureau-DWPS  
1270 Natividad Rd.  
Salinas, CA 93906  
[sandovalcl@co.monterey.ca.us](mailto:sandovalcl@co.monterey.ca.us)

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the Water System or its owner of record.

127

128 The Department reserves the right to make such modifications to this Order and/or  
129 to issue such further order(s) as it may deem necessary to protect public health  
130 and safety. Such modifications may be issued as amendments to this Order and  
131 shall be deemed effective upon issuance.

132

133 Nothing in this Order relieves Water System or its owner of record of its obligation  
134 to meet the requirements of the California SDWA and the Monterey County Code,  
135 or any regulation, standard, permit or order issued thereunder.

136

137 **PARTIES BOUND**

138 This Order shall apply to and be binding upon Encinal Road Water System #1, its  
139 owners, shareholders, officers, directors, agents, employees, contractors,  
140 successors, and assignees.

141

142

143 **SEVERABILITY**

144 The Directives of this Order are severable, and Encinal Road Water System #1  
145 and its owner of record shall comply with each and every provision hereof,  
146 notwithstanding the effectiveness of any other provision.

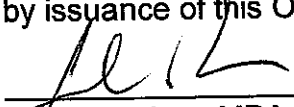
147

148 **FURTHER ENFORCEMENT ACTION**

149 The California SDWA, the California Code of Regulations, and the Monterey  
150 County Code authorizes the Department to: issue a citation with assessment of



151 administrative penalties to a public water system for violation or continued violation  
152 of the requirements of the California SDWA and Monterey County Code or any  
153 regulation, permit, standard, citation, or order issued or adopted thereunder  
154 including, but not limited to, failure to correct a violation identified in a citation or  
155 compliance order. The California SDWA and Monterey County Code also  
156 authorizes the Department to take action to suspend or revoke a permit that has  
157 been issued to a public water system if the public water system has violated  
158 applicable law or regulations or has failed to comply with an order of the  
159 Department; and to petition the superior court to take various enforcement  
160 measures against a public water system that has failed to comply with an order of  
161 the Department. The Department does not waive any further enforcement action  
162 by issuance of this Order.

163   
164 John Ramirez, MPA, REHS  
165 Director Environmental Health Bureau  
166 1270 Natividad Rd. Salinas CA 93906

9-14-17  
Date

167  
168 Certified Mail No. 7016 3010 001 0673 6153

169 Cc: Cheryl Sandoval, EHB  
170 Jan Sweigert, SWRCB

# APPENDIX 1

## APPLICABLE AUTHORITIES

### **CHSC, Section 116275 states in relevant part:**

(h) "Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

- (1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.
- (2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.
- (3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

(i) "Community water system" means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.

### **CHSC, Section 116555(a)(1) states in relevant part:**

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.

### **CHSC, Section 116655 states in relevant part:**

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

**Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant part:**

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A**  
**Maximum Contaminant Levels**  
**Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

\* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Title 22, CCR Section 64432 (hereinafter "Section 64432") provides in relevant part:

**Section 64432**

...

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

(1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or

(2) Inform the Department within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the Department within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

(h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of receipt of the result the water supplier shall notify the Department and resample as confirmation. The water supplier shall notify the Department of the result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation result(s).

(1) If the average concentration of the original and confirmation sample(s) is less than or equal to ten times the MCL, the water supplier shall monitor quarterly beginning in the quarter following the quarter in which the exceedance occurred.

(2) If the average concentration of the original and confirmation sample(s) exceeds ten times the MCL, the water supplier shall, if directed by the Department;

(A) Immediately discontinue use of the contaminated water source; and

(B) Not return the source to service without written approval from the Department.

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a

quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

#### **Section 64258. Enforcement.**

(a) A local primacy agency shall take enforcement actions as necessary to assure that all small water systems under the jurisdiction of the local primacy agency are in compliance with Division 104, Part 1, Chapters 4 and 5; Division 104, Part 12, Chapters 4 and 5 of the Health and Safety Code, and California Code of Regulations, Title 17, Division 1, Chapter 5, Group 4 and Title 22, Division 4, Chapters 14, 15, 15.5, 16, 17, and 17.5.

Monterey County Code, Section 15.04 (hereinafter "Section 15.04") provides in relevant parts:

#### **Section 15.04.110**

...

#### **15.04.110 - Drinking water standards—Maximum contaminant levels.**

a. The water supplier shall comply with any corrective actions ordered by the Director for any primary or secondary chemical contaminant which exceeds the maximum contaminant levels established in Chapter 15 of Title 22 of the California Code of Regulations, as may be amended from time to time, incorporated herein by this reference.

b. Water exceeding the maximum contaminant levels established in Chapter 15 of Title 22 of the California Code of Regulations, as may be amended from time to time, and incorporated herein by this reference, shall not be supplied to users of the water system for human consumption or domestic purposes.

#### **15.04.085 - Operational requirements.**

Any person who operates a domestic water system shall do the following:

a. Comply with primary and secondary drinking water standards contained in Chapter 15, of Title 22, California Code of Regulations, as may be amended from time to time, and incorporated herein by this reference.

**15.04.105 - Chemical quality—Monitoring and reporting.**

...

c. If the level of any primary or secondary chemical exceeds the maximum contaminant level, the water supplier shall notify the Department within forty-eight (48) hours from the receipt of the analysis and collect one additional sample within fourteen (14) days to confirm the result. If the average of the two samples collected exceeds the maximum contaminant level, the water supplier shall report this information to all users and the Department within forty-eight (48) hours and shall monitor quarterly beginning in the next quarter after the violation has occurred.

**15.04.195 - Enforcement.**

B. Remedies.

...

2. Orders. (Authority: California Health and Safety Code Section 116655)

a. Whenever the Department determines that any person has violated or is violating this Chapter, or any permit, regulation, or standard issued or adopted pursuant to this Chapter, the Director may issue an order doing any of the following:

...

2. Directing compliance in accordance with a time schedule set by the Department.

...

b. An order issued pursuant to this Section may include, but shall not be limited to, any or all of the following requirements:

1. That the existing plant, works, or system be repaired, altered, or added to.
2. That purification or treatment works be installed.
3. That the source of the water supply be changed.
4. That no additional service connection be made to the system.
5. That the water supply, the plant, or the system be monitored.
6. That a report on the condition and operation of the plant, works, system, or water supply be submitted to the Department.

## **Attachment 1**

### **Public Notification Template**

## **Attachment 2**

### **Proof of Notification Template**



# Nitrate Corrective Action Plan

Date of Plan:

Name of Water System: Encinal Rd WS #1

Water System ID#: 270-1241

The water system is currently out of compliance with the nitrate standard. In order to come into compliance, the water system will need to choose a method, secure funding, and install improvements. This plan will detail the steps and timeline that the water system will follow for meeting the deadline indicated in compliance order, which is June 30, 2020. A progress report is required to be submitted to the Monterey County Health Department April 30, 2018 detailing all progress that has been made to date, the status of compliance with the timeline, and any requested changes (with reason for request) to the timeline.

**The initial plan shall contain all information known at that time for different compliance options. If adequate information is not available at that time to make a decision about each compliance option, the plan shall include a schedule for making a determination**

**A. COMPLIANCE OPTIONS:** The following are general options for compliance with the nitrate standard. Consider each option and document your findings. The questions are only a guide to help you analyze each option.

1. Consolidate with or purchase water from another system in compliance with water quality standards (How close is the nearest system(s)? Is the system(s) willing to consolidate/sell water? Why or why not (include correspondence)? What are the costs? Any major issues/challenges?)

Is this a viable option? ☐yes ☐no ☐not yet determined

If not yet determined, what is planned action and schedule to make determination?

2. Drill a new well (what is the water quality/quantity of nearby wells? Location available? What are the costs? Any major issues/challenges?)

Is this a viable option? ☐yes ☐no ☐not yet determined

If not yet determined, what is planned action and schedule to make determination?

3. Treatment (What vendors/engineers have been contacted? What technologies have been considered? Can the system blend with a compliant well? Has treatment discharge/brine or spent media disposal been evaluated? Have potential interfering constituents been considered? Are you doing any testing for interfering constituents? What are the costs of installation and operations? Any major issues/challenges?)

Is this a viable option? ☐yes ☐no ☐not yet determined

If not yet determined, what is planned action and schedule to make determination?

4. Other (including a combination of options)?

Is this a viable option? ☐yes ☐no ☐not yet determined

If not yet determined, what is planned action and schedule to make determination?

**After consideration of available options, what is your preferred option?**

☐

- ☐ not yet determined (the time line to make a determination needs to be included in the sections above. Funding for a feasibility study to determine preferred option may be available through the State Water Resource Control Board –see item C.2.b.

## **B. IMPLEMENTATION OF COMPLIANCE OPTION**

**Once the preferred compliance option has been determined, complete the information below**

1. What progress has been made towards implementing chosen compliance option (check and complete information under chosen option. The questions are only a guide. Please detail all information known to date and what additional information is needed.-the timeline for completion shall be detailed in section D)

- ☐ Consolidate with or purchase water from another system in compliance with water quality standards: What progress has been made? For example: Has agreement been signed, easements secured, engineer hired for plans, plans developed, installation started, etc?
- ☐ Drill a new well: What progress has been made? For example: Has site been secured, well construction permit received, well drilled, testing completed?
- ☐ Treatment: What progress has been made? For example: Has technology been determined, waste disposal location determined, engineer hired, plans developed, installation started, etc?
- ☐ Other: What is it and what progress has been made?

**C. FUNDING:**

1. Do you have existing funding available? ☐yes ☐no ☐partial

2. If you do not have full funding available, what is your plan to secure full funding?  
a. Rate Increase or special assessment? ☐yes ☐no ☐not yet determined

b. Apply to the State Water Resource Control Board Funding Program (funding opportunities may include low interest loans, and partial or full grants depending on eligibility) at:

[http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/DWPFunding.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/DWPFunding.shtml)

☐ Applied - date of application:

Have you received a response? ☐yes ☐no If yes, attach copy

☐ Don't plan to apply

Water System Name: Encinal Rd WS #1

D. **TIMELINE:** The timeline shall include milestones for determining compliance option, implementing option (design, construction, startup), and securing funding. A progress report will be due April 30, 2018 and must show adequate progress towards compliance to avoid further enforcement action

Date:

Milestone: Determine compliance option (detail timeline in Section A)

Date:

Milestone:

Date:

Milestone:

Date:

Milestone:

Date:

Milestone:

Date:

Milestone:

Report submitted by:

Name \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

# **Point of Use Treatment Treatment Strategy, Operations and Maintenance Program, and Monitoring Program**

**(Proposal for Compliance with California Code of  
Regulations, Title 22, Sections 64418.3, 64418.4, and  
64418.5)for**

**Water System Name:** \_\_\_\_\_

**Water System No.:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Prepared by:**

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

Public Water Systems Must Comply with Safe Drinking Water Act and Point of Use Regulations (Title 22, California Code of Regulations, sections 64418 through 64418.7.) This template is provided only as guidance. Use of this template is not required for compliance nor does it ensure compliance with applicable laws and regulations.

**PART I: POINT OF USE (POU) TREATMENT STRATEGY**  
(Required by California Code of Regulations (CCR) Title 22, Section 64418.3)

**1. WATER SYSTEM INFORMATION:**

Name of Water System: \_\_\_\_\_

System No: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_

Type of Water System:

☐ Community

☐ Nontransient-noncommunity (NTNC)

☐ Transient

# Service Connections : \_\_\_\_\_

Population: \_\_\_\_\_

Regulated by: (Check one)

☐ Local Primacy Agency: \_\_\_\_\_

☐ SWRCB Division of Drinking Water (Name of District Office): \_\_\_\_\_

**2. WATER QUALITY EXCEEDANCE:**

Contaminant(s) exceeding a maximum contaminant level (MCL): Check all that apply.

☐ Arsenic

☐ Nitrate

☐ Uranium

☐ Hexavalent Chromium

☐ Other: \_\_\_\_\_

Range of contaminant(s) level(s) exceeding MCL over last 5 years: \_\_\_\_\_

Does the Water System provide continuous chlorination? Yes ☐ No ☐

**3. POU DEVICE INFORMATION:**

POU Technology Type: ☐ Reverse Osmosis (RO) ☐ Media Adsorption

☐ Other: \_\_\_\_\_

POU Device Manufacturer: \_\_\_\_\_

POU Device Model Number: \_\_\_\_\_

Is the POU Device certified by State of California (SWRCB)? Yes ☐ No ☐

Is the POU Device certified to NSF/ANSI standards? Yes ☐ No ☐

If yes, please check which: ☐ NSF/ANSI 58 ☐ NSF/ANSI 53

Does POU Device have a required mechanical warning or automatic shut-off mechanism? Check all that apply.

☐ Light Indicator

☐ Alarm

☐ Automatic Shut-off

☐ Other: \_\_\_\_\_

Does the POU Device have a required performance indicator? Check all that apply.

☐ Flow Meter

☐ Total Dissolved Solids (TDS) or Electrical Conductivity (EC) meter

☐ Other: \_\_\_\_\_

**4. SELECTION OF POU DEVICE:**

Was this selected POU Device previously piloted?

Yes ☐

No ☐

List all the POU Devices that have been piloted (list if manufacturer/model different):

☐ POU Device No. 1

- Manufacturer: \_\_\_\_\_
- Model Number: \_\_\_\_\_

☐ POU Device No. 2 (List only if a different POU and/or model number used)

- Manufacturer: \_\_\_\_\_
- Model Number: \_\_\_\_\_

☐ POU Device No. 3 (List only if a different POU and/or model number used)

- Manufacturer: \_\_\_\_\_
- Model Number: \_\_\_\_\_

Explain briefly how the final POU device has been selected for full-scale implementation in the Water System's service area: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**5. CUSTOMER PARTICIPATION:**

We estimate \_\_\_\_\_ percent of our customers will voluntarily allow installation of POU devices. This is our plan regarding how we will address customers who do not want to allow installation of POU devices:

**6. CUSTOMER EDUCATION PROGRAM:**

The Water System agrees to the following:

- ☐ Distribute notification and information about the public hearing to all customers by mail or hand delivery at least 30 days prior to the public hearing. This information will also be placed in a public repository as described in the Public Hearing Protocol.
- ☐ The State Water Board will conduct a public hearing regarding the POU program for all customers.
- ☐ Distribute POU acceptance surveys to all customers.

- ☐ Educate and inform all customers about the POU's following installation, including how the devices work, how the devices are maintained and monitored, and how to report customer complaints.

Describe any additional information regarding the customer education program: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### 7. **PUBLIC NOTIFICATION:**

The Water System agrees to the following:

- ☐ Distribute ongoing quarterly public notices to all customers, including information regarding water quality results, the POU's mechanical warning or shut-off device, and contact information to report complaints or questions. (Please attach Quarterly Public Notice template.)
- ☐ Distribute POU failure public notices to affected customer(s) in the event that a POU fails to deliver safe drinking water and needs to be taken offline. (Please attach POU Failure Public Notice template.)
- ☐ Send regulatory agency a copy of the quarterly public notices, proof of delivery form, and any emergency public notices.

Public notices will be in the language(s) appropriate for communication with the customers: Check all that apply.

☐ English

☐ Spanish

☐ Other: \_\_\_\_\_

#### 8. **POU FAILURE RESPONSE PROTOCOL:**

In the event of a POU failure, in which the treated water exceeds the MCL for the designated contaminant of concern, the Water System agrees to implement the following protocol:

- ☐ Notify the customer at the affected home and hand deliver a POU Failure Public notice to discontinue the use of the POU.
- ☐ Provide the affected customer bottled water, as an interim drinking water solution during the entire duration that the POU is taken offline.<sup>1</sup>

<sup>1</sup> It is recommended that the Water System provides a minimum of 0.5 gallon of bottled water per person per day for the purposes of cooking and drinking.



- ☐ Applicable only for nitrate/nitrite/perchlorate: Provide bottled water to customer within 24 hours of notification.
- ☐ Applicable only for nitrate/nitrite/perchlorate: collect a confirmation sample as soon as possible, but no later than 24 hours following the notification of an exceedance.
- ☐ Applicable only for all chronic contaminants (e.g. arsenic): collect a confirmation sample within 7 days.
- ☐ Notify the regulatory agency (SWRCB or LPA) if the confirmation sample, or average of the original and confirmation sample, exceeds the MCL within 24 hours.<sup>2</sup>
- ☐ Water System will investigate the problem and take corrective action with 1 month of the receipt of confirmation sample, such as conducting repairs or replacement of the POU and/or replacement cartridges.

## 9. ANTICIPATED SCHEDULE FOR POU IMPLEMENTATION

<u>Required Milestones</u>	<u>Date</u>
• Distribution of public hearing information	_____
• Public hearing	_____
• Distribution to customers of POU acceptance surveys	_____
• POU installation	_____
• Construction of centralized treatment	_____

## 10. LOCAL REGULATORY REQUIREMENTS

The Water System agrees to investigate and comply with applicable local regulatory requirements, which may include:

- Uniform Plumbing Code
- Local county regulations regarding use of POU treatment devices
- Other:

<sup>2</sup> It is recommended that the Water System notifies the regulatory agency as soon as the routine sample exceeds the MCL and POU fails to discuss the failure response protocol and the appropriate actions that need to be taken.

**PART II: POU OPERATION AND MAINTENANCE (O&M) PROGRAM**  
**(Required by CCR Title 22, Section 64418.4)**

**1. LOCATION OF POU'S:**

Will POU Devices be installed at each kitchen sink for each residential service connection?    Yes ☐    No ☐

Is a map of POU locations (with addresses) attached?    Yes ☐    No ☐

Is a sample siting plan of POU locations attached?    Yes ☐    No ☐

How many total POU Devices will be installed? \_\_\_\_\_

**2. INSTALLATION:**

Who will install the POU Devices?

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Is this person a certified plumber?    Yes ☐    No ☐

Certification: \_\_\_\_\_ Expires: \_\_\_\_\_

**3. OPERATOR:**

Who will operate and maintain the POU Devices?<sup>3</sup>

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Is this person a certified water treatment operator?    Yes ☐    No ☐

Certification: \_\_\_\_\_ Expires: \_\_\_\_\_

Treatment Grade (minimum of T1 required): \_\_\_\_\_

**4. WATER SYSTEM ACCESS TO POU'S:**

Please describe how representatives of the Water System (such as operators and samplers) will have permission to access the POU's (Check all that apply):

☐ Ordinances

☐ Access Agreements

☐ Customer Surveys

<sup>3</sup> O&M tasks by certified operator should include, but are not limited to, replacing critical components, responding to complaints, coordinating water quality sampling.

**5. MAINTENANCE FREQUENCY:**

Routine maintenance of every POU device will occur, at minimum, as follows, or when a performance indicator or water quality results signal need for maintenance (Check one):

- ☐ Every \_\_\_\_\_ months per POU, which is recommended by the manufacturer.
- ☐ Every \_\_\_\_\_ gallons per POU, which is based on the pilot testing results.

This schedule will be ongoing, ensuring that all POU devices will be monitored and maintained. In addition, the Water System agrees to inspect the POU's no less than every twelve months and when a POU's effluent is monitored.

**6. COMPONENT REPLACEMENT:**

The Water System will replace the following critical components of POU's as recommended by the manufacturer or based on the results of water quality monitoring:

Component	Part Name	Replacement Schedule

**7. WASTE-HANDLING AND DISPOSAL:**

Briefly describe the waste-handling and disposal procedure, including but not limited to any used components and reject water :

---

---

---

---

---

---

**PART III: POU MONITORING PROGRAM**  
**(Required by CCR Title 22, Section 64418.5)**

**1. SAMPLER:**

**Who will conduct the required water quality sampling?**

**Name:** \_\_\_\_\_

**Company:** \_\_\_\_\_

**Is this person a certified water sampler?**    Yes ☐                      No ☐

**Which certified water quality laboratory is used?** \_\_\_\_\_

**2. REQUIRED WATER QUALITY MONITORING:**

**The Water System agrees to conduct the following required water quality monitoring.**

- ☐ Sample Well(s) \_\_\_\_\_ every quarter for the contaminant(s) of concern:  
    . The sample will be taken during the same month (i.e. first, second, or third month) of each calendar quarter.
- ☐ Following initial installation, sample the initial treated effluent of each newly installed POU device as soon as possible but no later than 72 hours after installation.
- ☐ Sample the treated effluent of all the POU devices, annually, with one twelfth of all units sampled monthly on a rotating basis. Specifically \_\_\_\_\_ POU's will be sampled every month. Please see the POU sample siting plan for more information.

**3. REQUIRED PERFORMANCE MONITORING:**

**Please describe how the POU device will be monitored using the performance indicator (such as a flow meter or TDS/EC meter), including the frequency:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please note that based on monitoring results, the regulatory agency (SWRCB or LPA) may require additional or more frequent monitoring for arsenic or other contaminants, including microbial contaminants.

**PART IV: ADMINISTRATIVE**  
**(Required by CCR Title 22, Sections 64418.4, 64418.5, and 64418.7)**

- 1. The Water System agrees to submit the following required reports to the regulatory agency (SWRCB or LPA). Reports will be submitted within ten days following the applicable reporting period.**
  - ☐ Monthly Treatment Reports, which includes treated water quality monitoring results.
  - ☐ Quarterly Reports, which include water quality monitoring results (summary of raw water, treated water, and any performance monitoring such as flow and EC/TDS), any investigations and/or corrective action(s) including POU maintenance, customer complaints, inspection results, and manufacturer notices pertaining to proper operation of the devices.
  
- 2. The Water System will maintain the following records for at least ten years and provide the records to the regulatory agency when requested.**
  - Results of all water quality monitoring.
  - The location and type of each installed POU.
  - The date and type of maintenance and repairs performed.
  - Verbal and written consumer complaints received and the resulting corrective actions or responses.
  
- 3. The Water System agrees to the following:**
  - ☐ Maintain a copy and implement the most recent and approved POU Operations and Maintenance Program and POU Monitoring Program
  - ☐ Revise the POU Operations and Maintenance Program and POU Monitoring Program as needed (e.g. new service connections) to ensure continuous effective treatment and that POU's produce effluent that meets drinking water standards. The revised POU Operations and Maintenance Program and POU Monitoring Program need to be submitted to the regulatory agency (SWRCB or LPA) for review and approval prior to implementation of the revised program.

# **PART IV: EMERGENCY CONTACT INFORMATION**

<b>Name</b>	<b>Telephone</b>	<b>Role in an Emergency or POU Failure</b>
<b>Title</b>	<b>Email</b>	
<b>Name:</b>		<b>Primary Water System Contact</b>
<b>Title:</b>		
<b>Name:</b>		<b>Secondary Water System Contact</b>
<b>Title:</b>		
<b>Name:</b>		<b>Tertiary Water System Contact</b>
<b>Title:</b>		
<b>Certified Operator</b>		
<b>Certified Lab</b>		
<b>SWRCB – Division of Drinking Water Office</b>		
<b>Local Environmental Health Agency</b>		
<b>POU Components Supplier</b>		
<b>Certified Plumber</b>		

State Water Resources Control Board

Division of Drinking Water

# **Point of Use Treatment Public Hearing and Acceptance Protocol**

**for**

**Water System Name:**

**Water System No.:**

**Date:**

**Prepared by:**

Public Water Systems Must Comply with Safe Drinking Water Act and Point of Use Regulations (Title 22, California Code of Regulations, sections 64418 through 64418.7.) This template is provided only as guidance. Use of this template is not required for compliance nor does it ensure compliance with applicable laws and regulations.

**PART I: PUBLIC HEARING PROTOCOL REQUIREMENTS**  
**A. SUMMARY**

To meet regulatory requirements, the following steps will be taken:

1. This protocol document is being submitted to the State Board for review and approval at least 30 days prior to distributing information regarding the upcoming public hearing and survey.
2. Our water system will place information to be presented at a public hearing into XXX, a publicly accessible repository on XXX XX, 20XX, which is at least 30 days prior to the public hearing. We will notify the State Water Board and all customers of the date, time, and location of the public hearing, as well as the location and hours of the repository.
3. The information in Parts II through VI will be presented at the public hearing, at a minimum.
4. The State Water Board will conduct the hearing.
5. Following the public hearing, we will survey our customers regarding their acceptance of the Point of Use Treatment. A sample survey is attached to this document.

**PART II: BACKGROUND INFORMATION**

**1. Water System Information:**

**Name of Water System:**

**System No:**

**City:** \_\_\_\_\_ **County**

**Type of Water System:**

☐ Community

☐ Nontransient-noncommunity (NTNC)

☐ Transient

**# Service Connections**

**Population:**

**Regulated by: (Check one)**

☒ Local Primacy Agency:

☐ SWRCB Division of Drinking Water:

**2. Water Quality Exceedance:**

**Contaminant(s) exceeding maximum contaminant level (MCL):** Check all that apply

☐ Arsenic

☐ Nitrate

☐ Uranium

☐ Hexavalent chromium

**Other:** \_\_\_\_\_

**Range of levels over last 5 years:**

**Does the Water System provide continuous chlorination?**

Yes ☐

No ☐

**3. POU Device Selected for Installation:**

**POU Technology Type:** ☐ Reverse Osmosis (RO) ☐ Media Adsorption

☐ Other: \_\_\_\_\_



**POU Device Manufacturer:**

**POU Device Model Number**

**Is the POU Device certified to NSF/ANSI standards?**

Yes ☐

No ☐

**If yes, please check which:**

☐ NSF/ANSI 58

☐ NSF/ANSI 53

**Is the POU Device registered with the State of California (SWRCB) Residential Treatment Devices Registration Program?**

Yes ☐ No ☐

**Was this selected POU Device previously piloted?**

Yes ☐ No or not sure ☐

**The selected unit was pilot tested at this location:**

**The test results from the pilot test are:**

**Date range of test/Volume treated/Test Results/MCL of Contaminant**

### **PART III: ADVERSE HEALTH EFFECTS OF CONTAMINANT(S) OF CONCERN**

☐ **Arsenic:** Some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk of getting cancer.

☐ **Nitrate:** Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.

☐ **Uranium:** Some people who drink water containing uranium in excess of the MCL over many years may have kidney problems or an increased risk of getting cancer.

☐ **Hexavalent chromium:** Some people who drink water containing hexavalent chromium in excess of the MCL over many years may have an increased risk of getting cancer.

☐ **Other:** fill in from Title 22 CCR Section 64465

**PART IV: POU OPERATION AND MAINTENANCE ACTIVITIES  
THAT INVOLVE THE RESIDENT**

Residents will need to allow a person inside their home to install the POU device and to collect water samples and perform maintenance as necessary. Notification will be provided in advance and the work will be done at a time that is acceptable to the resident.

**PART V: ESTIMATE OF POTENTIAL IMPACT TO CUSTOMER'S WATER BILL**

We expect each POU device to cost approximately \$\_\_\_\_, including installation, and we expect monitoring costs to be about \$\_\_\_\_ per year. It is expected that the pre-filter/filter units will need to be changed out every \_\_\_\_ months. These filters will need to be changed based on the volume of water used and is incorporated into the water rate. We expect this impact on your water bill:

**PART VI: PUBLIC HEARING INFORMATION**

Information to be presented at the public hearing will include parts I to IV of this protocol, at a minimum, and will be placed into the following public repository, xxxxxxxx, at least 30 days prior to the public hearing: \_\_\_\_\_

The following information will be provided to the State Board and to the customers: Date, time, and location of the public hearing, as well as the location and hours of operation of the repository.

Attached is the public survey form we will distribute after the public hearing.

# **SURVEY (EXAMPLE ONLY)**

**PWS Name:**

**Point of Use (POU) treatment devices for home use**

**Date:**

Owner\_example only \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_ I vote FOR the use of Point-of-Use treatment devices.

\_\_\_ I vote AGAINST the use of Point-of-Use treatment devices.

.....

# **AGENDA**

## **\_\_\_\_\_ Water System Point of Use Treatment Public Hearing**

As required by Health and Safety Code Section 116552

**Location  
Date  
Time  
English and Spanish**

Project description. Point of Use (POU) devices have been determined as the most affordable option for remediation.

### **Introduction:**

#### **Compliance requirements**

- What does 'out of compliance' mean?
- Installing for compliance vs for other reasons
- Centralized treatment not economically feasible
- 100% participation
- Permit may be issued only for 3 years or until funding for centralized treatment is available, whichever occurs first
- Understandings that will need to be signed
- Follow-up education and notifications

**Review information that was sent 30 days prior to meeting**

#### **Demonstration of POU Device:**

##### **After devices are installed**

- What do you need to do
- Who to contact if problems

#### **Survey**

- Review the survey
- How is 'community opposition' determined
- How will survey be distributed and when
- When are votes due back

#### **Questions**

# **AGENDA**

**\_\_\_\_\_ Water System**

## **Junta Publica y Audiencia para el Punto De Uso**

Como es requerido por la Junta de Recursos de Agua del Estado-División de Control de Aguas  
(DDW)

**To be updated**

# MINUTES

## Name of Public Water System Point of Use Treatment Public Hearing

As required by Health and Safety Code Section 116552

Location:

Date:

Time:

In attendance: Residents from \_\_\_ of the \_\_\_ households, \_\_\_ (owners), \_\_\_ (SWRCB-DDW and/or County LPA), \_\_\_ (Operator), \_\_\_ (See attached Sign in sheet.)

1. Public Hearing- \_\_\_\_\_, opened a Public Hearing to explain the law and regulations and how customers will be affected.
2. All communication, written and oral, was in Spanish and English.
3. \_\_\_\_\_ introduced the POU program as a feasible interim solution explaining the need for treatment, the conclusion that centralized treatment is not immediately economically feasible, funding and length of the program, and how POU has been determined to be a viable and affordable treatment option for our water system. Questions were received from the audience and answered.
4. \_\_\_\_\_ explained the difference between installing them for compliance purposes and for other than compliance purposes. \_\_\_\_\_ explained the ramifications of being out of compliance.
5. The information that was distributed 30 days prior to the public hearing was reviewed, including any potential impact to customer's water bills.
6. Education- \_\_\_\_\_ demonstrated the POU filtration system that would be installed if the survey demonstrates no substantial community opposition, explained how it works and informed residents of the TDS monitor light. Residents were told who to contact in the event of a problem with the device. Residents were told about the need to chlorinate prior to entry into the home. Information was provided regarding when and how installation would take place. All questions from the audience were addressed.
7. The survey was reviewed and \_\_\_\_\_ explained how and when it would be distributed and when the votes are due. \_\_\_\_\_ explained that the devices will only be installed if a survey taken after the hearing demonstrates no community opposition. Different example votes were reviewed to explain how 'no community opposition' is determined. Clarified that the water system may install the devices if the survey demonstrates, but that, as mentioned above, unless 100% of buildings have POU, the system will continue to be out of compliance with the law and regulations.
8. The Public Hearing was closed.

# **MINUTAS**

**Nombre del Sistema de Agua Público**

**Reunión y Audiencia sobre Unidades para Filtrar Agua en Punto de Uso (POUs)**

Conforme lo requiere la División de Agua Potable de la State Water Resources Control Board

**To be updated**